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Attorneys for Defendant
THE PERMANENTE MEDICAL GROUP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIMI WEISS,

Plaintiff,

v.

THE PERMANENTE MEDICAL GROUP, INC.,

Defendant.

Case No. 3:23-cv-03490-RS

**DECLARATION OF SEAN T. STRAUSS
IN SUPPORT OF DEFENDANT THE
PERMANENTE MEDICAL GROUP,
INC.'S MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Date: Thursday, December 7, 2023
Time: 1:30 p.m.
Judge: Hon. Richard Seeborg
Location: San Francisco Courthouse
Courtroom 3 – 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

DECLARATION OF SEAN T. STRAUSS

I, Sean T. Strauss, declare and state as follows:

1. I am an attorney at law duly licensed to practice in the Northern District of California and am a Senior Counsel with the law firm of Seyfarth Shaw LLP, attorneys of record for Defendant The Permanente Medical Group, Inc. (“TPMG”). I made this declaration in support of TPMG’s Motion to Dismiss Plaintiff Mimi Weiss’s (“Plaintiff’s”) First Amended Complaint for Damages and Injunctive Relief (the “FAC”).

2. The forgoing is true and of my own personal knowledge and, if asked, I could and would testify competently thereto.

3. Attached hereto as **Exhibit A** is a true and correct copy a Request for a Religious Exemption from the Kaiser Permanente COVID-19 Vaccination Policy submitted by Plaintiff on or around August 26, 2021. It is appropriate to consider this document in connection with TPMG’s Motion to Dismiss because it is incorporated by reference in Paragraph 24 of the FAC, is central to Plaintiff’s claim, and no party has a basis upon which to challenge its authenticity. *See Marder v. Lopez*, 450 F.3d 445, 448 (9th Cir. 2006); *Russell v. Maman*, No. 18-CV-06691-RS, 2020 WL 10964919, at *2 (N.D. Cal. Apr. 10, 2020) (Seeborg, J.); *Bush v. Mondelez Int’l, Inc.*, No. 16-CV-02460-RS, 2016 WL 5886886, at *1 fn. 1 (N.D. Cal. Oct. 7, 2016) (Seeborg, J.).

4. Attached hereto as **Exhibit B** is a true and correct copy of an August 30, 2021 message sent to Plaintiff regarding her request for a religious exemption from the Kaiser Permanente COVID-19 Vaccination Policy. It is appropriate to consider this document in connection with TPMG’s Motion to Dismiss because it is incorporated by reference in Paragraph 25 of the FAC, is central to Plaintiff’s claim, and no party has a basis upon which to challenge its authenticity. *See Marder*, 450 F.3d at p. 448; *Russell*, 2020 WL 10964919, at *2; *Bush*, 2016 WL 5886886, at *1 fn. 1.

5. Attached hereto as **Exhibit C** is a true and correct copy of a September 21, 2021 message sent to Plaintiff addressing “Reexamination of Provisionally Approved Requests” for a religious exemption from the Kaiser Permanente COVID-19 Vaccination Policy. It is appropriate to consider this document in connection with TPMG’s Motion to Dismiss because it is incorporated by reference in Paragraph 26 of the FAC, is central to Plaintiff’s claim, and no party has a basis upon which to

1 challenge its authenticity. *See Marder*, 450 F.3d at p. 448; *Russell*, 2020 WL 10964919, at *2; *Bush*,
2 2016 WL 5886886, at *1 fn. 1.

3 6. Attached hereto as **Exhibit D** is a true and correct copy of an October 21, 2021 message
4 sent to Plaintiff seeking additional information regarding her request for a religious exemption from the
5 Kaiser Permanente COVID-19 Vaccination Policy. It is appropriate to consider this document in
6 connection with TPMG's Motion to Dismiss because it is incorporated by reference in Paragraph 27 of
7 the FAC, is central to Plaintiff's claim, and no party has a basis upon which to challenge its authenticity.
8 *See Marder*, 450 F.3d at p. 448; *Russell*, 2020 WL 10964919, at *2; *Bush*, 2016 WL 5886886, at *1
9 fn. 1.

10 7. Attached hereto as **Exhibit E** is a true and correct copy of an October 26, 2021 message
11 Plaintiff sent in response to the request for additional information regarding her request for a religious
12 exemption from the Kaiser Permanente COVID-19 Vaccination Policy. It is appropriate to consider this
13 document in connection with TPMG's Motion to Dismiss because it is incorporated by reference in
14 Paragraphs 27 and 36 of the FAC, is central to Plaintiff's claim, and no party has a basis upon which to
15 challenge its authenticity. *See Marder*, 450 F.3d at p. 448; *Russell*, 2020 WL 10964919, at *2; *Bush*,
16 2016 WL 5886886, at *1 fn. 1.

17 8. Attached hereto as **Exhibit F** is a true and correct copy of a November 30, 2021 message
18 sent to Plaintiff regarding denial of her request for a religious exemption from the Kaiser Permanente
19 COVID-19 Vaccination Policy. It is appropriate to consider this document in connection with TPMG's
20 Motion to Dismiss because it is incorporated by reference in Paragraphs 36 and 37 of the FAC, is central
21 to Plaintiff's claim, and no party has a basis upon which to challenge its authenticity. *See Marder*, 450
22 F.3d at p. 448; *Russell*, 2020 WL 10964919, at *2; *Bush*, 2016 WL 5886886, at *1 fn. 1.

23 I declare under penalty of perjury under the laws of the United States of America and the State of
24 California that the forgoing is true and correct.

25 Executed on September 28, 2023 in San Francisco, California.

26 /s/ Sean T. Strauss
27 Sean T. Strauss
28

EXHIBIT A

COVID-19 Vaccination Exemption

Case Number: 41036891

Created: 2021-08-26 18:51:09 UTC

Case Details

Case Title	COVID-19 Vaccination Exemption	Current Status	Exemption Not Approved
Employee Name	Mimi April-Cyd Weiss	Employee NUID	A807245

Submitter Details

Submitter	Mimi Weiss	Submitter NUID	A807245
Business Office Phone		Daytime Contact Phone Number	
Preferred Email	mimi.a.weiss@kp.org	Alternate Email	

Form Details

Request Type	New/Revise Request
I have not been fully vaccinated because – choose all that apply	I have a sincerely held religious belief, practice, or observance that prevents me from receiving any COVID-19 vaccine
Acknowledgement	<p>Religious Belief/Practice=></p> <p>I understand the personal and public health benefits of COVID-19 vaccinations and the risks associated with not receiving the COVID-19 vaccine</p> <p>I understand that I may be required to take additional education on COVID-19 vaccines and safety training, routinely show proof of negative COVID-19 test results and wear a mask during work hours if I am not vaccinated</p> <p>To be eligible for this exemption, I understand that I must disclose below the religion and identify the specific doctrine or teaching that prevents me from receiving any COVID-19 vaccine</p> <p> </p>
My religion is as follows:	Christian Jew
The specific religious doctrine or teaching that	My religious beliefs as a Christian Jew do not allow me to receive a Covid-19 vaccine: The Torah prohibits us from accepting foreign material into our bodies, Deuteronomy 14:1 prohibits needle wounds except for direct curative benefit. One must maintain his body and blood uncontaminated under Jewish law. I consider these COVID-19 vaccines to represent a defilement of my body, blood and soul and a rejection of the trust we must have as Jews in the natural healing powers bestowed upon the human body by our Creator. “Do you not know that your bodies are temples of the Holy

prevents me from receiving a vaccine is:	Spirit, who is in you, whom you have received from God?”(1 Cor 6:19) The COVID-19 vaccines go directly against my belief that I am not to introduce foreign substances into my body temple that change how my Creator designed it. God created my body temple with an immune system, the mechanism to ward off disease, and there is need to inject a man-made substance in an effort to “improve” my God given abilities.
I have previously declined to receive other vaccines because of my religious belief, practice or observance?	No
If yes, please identify the other vaccines you have declined If no, please explain what makes the COVID-19 vaccine different from the other vaccines you have not declined	It’s not that the covid-19 vaccine is different for me. What’s different is that during the last 18 months I’ve experienced extreme isolation and depression. I have sought comfort in God and in my faith to get me through this time. I’ve recommitted to my Jewish roots and earlier this year have accepted Jesus Christ as the Messiah.
Please type name to confirm your agreement	Mimi A Belser
Name of Provider Certifying Exemption:	
License Number of Provider Certifying Exemption:	
Expected end date per your provider:	

EXHIBIT B



Q Mimi weiss

Home	Mimi weiss	Mimi April-Cyd W...	+
Details	Mimi April-Cyd W...	41036891	Outbound Email ... +

Email Message Detail

Reply Reply To All Forward Delete

Information

Parent Case	41036891
Message Date	8/30/2021 3:19 PM
Created By	Nina Chew , 8/30/2021 3:19 PM

Address Information

From Address	hrconnect-cases@hr.kp.org
From Name	hrconnect-cases@hr.kp.org
To Address	mimi.a.belser@kp.org
CC Address	
BCC Address	
Headers	
Related To	41036891
Is Incoming	<input type="checkbox"/>

Message Content

Subject	Approval of Exemption from COVID-19 Vaccination Requirement - Religion
HTML Body	Click here to view HTML version
Text Body	<p>Dear Mimi A Belser:</p> <p>We received your request for a Religion-based exemption in connection with the COVID-19</p> <p>Based on the information you provided, your Request for Exemption has been APPROVED. Changing conditions, such as COVID-19 infection levels, and changes in public health guidance may require you to update your exemption request.</p> <p>Duration: This approval is valid until further notice.</p> <p>Future Vaccination: If your views change, and you no longer have a sincerely held religious belief, you must comply with the safety rules specified for those who are not vaccinated.</p> <p>Until you are fully vaccinated*, you must comply with the safety rules specified for those who are not vaccinated.</p>

HRconnect

Dear Mimi A Belser:

We received your request for a Religion-based exemption in connection with the COVID-19 Vaccination Requirement. CASE NUMBER: 41036891

Based on the information you provided, your Request for Exemption has been **APPROVED**. *This approval is provisional -- the decision to approve, and actions taken to accommodate the exemption, are subject to change based on frequently changing conditions, such as COVID-19 infection levels, and changes in public health guidance, legal requirements, and KP policies and practices.*

Duration: This approval is valid until further notice.

Future Vaccination: If your views change, and you no longer have a sincerely held religious belief, practice, or observance that prevents you from receiving any COVID-19 vaccine, please provide proof of full vaccination, [here](#).

Until you are fully vaccinated*, you must comply with the safety rules specified for those unvaccinated or not fully vaccinated individuals reporting to work at any Kaiser Permanente facility or caring for patients in person at a non-KP Facility. These rules may require masking, social distancing, additional education on COVID-19 vaccines and safety training, and routine proof of negative COVID-19 test results. Also, there will be a need to assess whether your vaccination status limits your ability to perform your job functions in a manner that is both safe and complies with legal or public health mandates and KP policies, and if so, what the appropriate next steps are to address any such limitations. See your manager for the specific safety rules that apply to you, and to discuss any limitations your vaccination status places on your ability to continue working and safely perform your job functions.

To schedule a vaccine appointment, please visit kp.org.

If you have any questions or concerns regarding the above, please reply to this email.

*"Fully vaccinated" means fully vaccinated against the virus that causes COVID-19 as defined by the CDC. As of the date of this form, this means receipt of the second dose in a 2-dose series (e.g., Pfizer and Moderna vaccines) OR receipt of a single-dose vaccine (e.g., Johnson & Johnson's Janssen vaccine) AND a 2 week period having passed since the administration of the last vaccine dose. (This definition may change to include the requirement for vaccine booster shots in the future.)

EXHIBIT C



- [Close Window](#)
- [Print This Page](#)
- [Expand All](#) | [Collapse All](#)

Case: 41258163

Employee Name	Mimi April-Cyd Weiss	WIP Flag	<input type="checkbox"/>
Employee Id	10306755	Case Number	41258163 [View Hierarchy]
NUID	A807245	Status	Closed
Submitter		Sub-Status	Closed - Auto Closed
Submitter (User)		Quick Code	
Show on Initiator Dashboard	<input type="checkbox"/>	Category	Employee Health
Case Title	Week of 9/20/21 COVID Vaccination Religious Exemption Request - Provisional	Sub-Category 1	Form
Case Description	Provisional approval email sent. An important message for employees requesting religious exemption from COVID Vaccination Mandate. Subject: Reexamination of Provisionally Approved Requests. September 21, 2021 Dear Employee, You are receiving this letter because you have been provisionally approved for a religious exemption from our COVID-19 Vaccination for KP Workforce Members Policy (NATL.HR.057) requiring that all employees be fully vaccinated by September 30, 2021, and we want to let you know that we are engaging in additional review of exemption requests. We respect our employees who hold sincerely held religious beliefs and are committed to thoroughly and thoughtfully reviewing all requests for religious exemption from our COVID-19 Vaccination for KP Workforce Members Policy (NATL.HR.057). In the course of our review of exemptions, as part of our ongoing compliance with state mandates and KP policy, it has come to our attention that many employees have submitted similar or nearly identical exemption requests containing language that was taken verbatim from various free and paid template forms available on the internet. Even more concerning are the discussions we have seen occurring in internet chat groups in which Kaiser Permanente employees have been exchanging strategies for avoiding the vaccine mandate and distributing language and phrases that seem to be	Sub-Category 2	Misc

designed to create the appearance of a legitimate religious exemption instead of actually being based on a sincerely held religious belief.

Unfortunately, these findings will require us to perform additional review of all accommodation requests to ensure our continual compliance with our responsibilities under state mandates and KP policy. It is critical that we continue to keep the safety of our staff, patients, and the communities that we serve at the center of all that we do, and that we uphold our ethical standards as outlined in our Principles of Responsibility. We are also taking this opportunity to remind employees that there is still time to get vaccinated and meet the September 30, 2021 deadline.

You continue to be provisionally approved; however, note the following:

- Requests for exemption must be in your own words. If your exemption request used language copied from a template or form letter, you will be asked to resubmit your request for exemption using your own words. You will receive an email asking for more information if more detail is required.

- If your exemption request included a personal statement in your own words, you may be asked for additional information so that we can better understand the nature of your religious belief. You will receive an email if more detail is required.

- It is important that you provide accurate and truthful information when you submit an exemption request. Failure to do so can result in disciplinary action, up to and including termination of employment. If you would like to cancel your previously submitted exemption request and become vaccinated, we will not take any further action on your exemption request and you can then upload your vaccination information when it becomes available. You can cancel your request by going to HRconnect: select "Complete exemption form", and then select the "Cancel previous request" option. Please do so as soon as possible but no later than September 30, 2021.

- Should you choose to become vaccinated, you can still meet the September 30 deadline by receiving the single-dose Johnson & Johnson vaccine. You can schedule a vaccine appointment by visiting kp.org and submit proof of vaccination on HRconnect.

Please note we are still making decisions about what, if any, reasonable accommodations can be made for employees with approved exemptions to allow them to safely perform their job

duties. Once decisions are made, it will be communicated to impacted employees.

For additional information, please go to the COVID-19 Vaccine Verification & Testing site on HRconnect or talk with your manager. General inquiries on the COVID-19 vaccine verification and testing process may also be directed to the National HR Service Center at 1-877-457-4772 - follow the prompts for the COVID-19 Vaccine Verification support queue.

Transaction Effective Date		Assigned To	
Transaction Id		Assignment Queue	Employee Health
Source	MCC	SLA Start Date	
Priority	Normal	SLA Target Date	
Case Updated by Other	<input type="checkbox"/>	Next Action Date	
Legacy Case ID		Next Action	
		Escalation	<input type="checkbox"/>
		Escalation Reason	
		Escalation Notes	
		Escalation Outcome	
		Escalation Start Time	
		Escalation End Time	

Form Details

Alternate Email

Alternate Phone

EXHIBIT D



Q Mimi weiss

Home	Mimi weiss	Mimi April-Cyd W...	+
Details	Mimi April-Cyd W...	41036891	Outbound Email ... +

Email Message Detail

Reply Reply To All Forward Delete

Information

Parent Case	41036891
Message Date	10/21/2021 6:52 PM
Created By	

Address Information

From Address	hrconnect-cases@hr.kp.org
From Name	hrconnect-cases@hr.kp.org
To Address	mimi.a.belser@kp.org
CC Address	mimibelser@yahoo.com
BCC Address	
Headers	
Related To	41036891
Is Incoming	<input type="checkbox"/>

Message Content

Subject	Request for Addl Info Exemption-COVID-19 Vaccination Req.-Religion ref: _00D412j5UY_
HTML Body	Click here to view HTML version
Text Body	<p>Dear Mimi April-Cyd Weiss:</p> <p>After careful review of your request for an exemption under the COVID-19 Vaccination Policy, additional information is needed from you to further evaluate whether you have a sincerely held religious belief. Additional Information Needed Within Five Calendar Days: To help us better understand your responses immediately following each question. Please make sure your responses are a quote from scripture or another resource, you must also explain in your own words what the consequences of not providing complete and timely information are. If you do not provide complete information we have obtained to date, and you may receive a Notice of Denial. Consequences of COVID-19 vaccine series: immediately to avoid being on an unpaid leave of absence; and NOTE: Employees may continue to work and will not be placed on leave of absence if the vaccination is required by law or public health order. Where full vaccination* is required, a</p>

HRconnect

Dear Mimi April-Cyd Weiss:

After careful review of your request for an exemption under the COVID-19 Vaccination Policy, undertaken to ensure ongoing compliance with our responsibilities under public health requirements and KP policy, it has been determined that additional information is needed from you to further evaluate whether you have a sincerely held religious belief, practice, or observance that prevents you from receiving any COVID-19 vaccine. CASE NUMBER: 41036891

Additional Information Needed Within Five Calendar Days: To help us better understand the basis for your request for a religious exemption, please answer the questions below **within five calendar days** by replying to this email, and adding your responses immediately following each question. Please make sure your responses are in your own words and do not contain language from a template or form response you have obtained from someone else or an online source. If you quote from scripture or another resource, you must also explain in your own words what that resource means, and how you believe the resource prevents you from being vaccinated.

Consequences of Not Providing Complete and Timely Information: If you do not provide complete information **within five calendar days from the date of this notice:**

- a decision will be made regarding your exemption request based on the information we have obtained to date; and
- you may receive a Notice of Denial.

Consequences of Not Receiving An Approved Exemption: If you receive a Notice of Denial, you will be required to submit proof in HRconnect that you completed a COVID-19 vaccine series:

- **immediately** to avoid being on an **unpaid leave of absence**; and
- **on or before November 30** to avoid having your **employment terminated effective December 1**.

NOTE: Employees may continue to work and will not be placed on leave of absence if they HAVE COMPLETED their vaccine series by September 30, 2021 (i.e., one dose of J&J; second dose of either Moderna or Pfizer), **except** where full vaccination is required by law or public health order. Where full vaccination* is required, employees without approved

exemptions must remain off work until they have completed a COVID-19 vaccine series **and** the 14-day waiting period.

Please be assured that we respect our employees who hold sincerely held religious beliefs and are committed to thoroughly and thoughtfully reviewing all requests for religious exemption from our COVID-19 Vaccination for KP Workforce Members Policy (NATL.HR.057). Throughout this evaluation process, it is critical that we continue to keep the safety of our staff, patients, and the communities that we serve at the center of all that we do. It is also critical that our employees always uphold KP's ethical standards as outlined in our Principles of Responsibility, including throughout this religious exemption process. We appreciate all that you do to demonstrate your commitment to these important ideals.

Unless required otherwise by state or local orders, until you are fully vaccinated, you must comply with the safety rules specified for those unvaccinated or not fully vaccinated individuals reporting to work at any Kaiser Permanente facility or caring for patients in person at a non-KP Facility. These rules may require masking, social distancing, additional education on COVID-19 vaccines and safety training, and routine proof of negative COVID-19 test results. Also, there will be a need to assess whether your vaccination status limits your ability to perform your job functions in a manner that is both safe and complies with legal or public health mandates and KP policies, and if so, what the appropriate next steps are to address any such limitations. See your manager for the specific safety rules that apply to you, and to discuss any limitations your vaccination status places on your ability to continue working and safely perform your job functions.

To schedule a vaccine appointment, please visit kp.org.

For information on the safety and effectiveness of the COVID 19 vaccine go to kp.org/covidvaccine.

If you have any questions or concerns regarding the above, please respond to this email.

ADDITIONAL QUESTIONS REGARDING YOUR REQUEST FOR RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION (Maximum of Nine)

Question: What else besides the COVID-19 vaccine do you refuse to put in your body as a result of your religious belief?

Answer:

Question: Have you put this belief into practice in any other areas of your life?

Answer:

Question: Do you currently take or have you ever taken medications of any kind (over the counter or prescription) as an adult?

Answer:

Question: Note: We are not asking you tell us what medications you take or why you take them - please do not share that information with us. If you answered yes:

Answer:

Question: "When is the last time you took such medicine? - Is the COVID-19 vaccine different from these medicines? If so, how?"

Answer:

Question: Why does your religious belief prevent you from receiving the COVID-19 vaccination but not from taking other medications?

Answer:

Question: Please resubmit your request for accommodation in your own words without using template or stock language from the internet or other sources.

Answer:

Question:

Answer:

Question:

Answer:

If you have additional information you would like to submit in support of your request for exemption, please provide it here:

*"Fully vaccinated" means fully vaccinated against the virus that causes COVID-19 as defined by the CDC. As of the date of this form, this means receipt of the second dose in a 2-dose series (e.g., Pfizer and Moderna vaccines) OR receipt of a single-dose vaccine (e.g., Johnson & Johnson's Janssen vaccine) AND a 2 week period having passed since the administration of the last vaccine dose. (This definition may change to include the requirement for vaccine booster shots in the future.)

ref:_00D412j5UY._5003j1tG2sE:ref

EXHIBIT E



Q Mir

Home	Mimi Weiss	Mimi April-Cyd W...	+
Details	Mimi April-Cyd W...	41036891	Inbound Email M... +



Inbound Email Message

Email Message Detail

[Reply](#)
[Reply To All](#)
[Forward](#)

Information

Parent Case	41036891
Message Date	10/26/2021 2:30 PM
Created By	email2case , 10/26/2021 2:31 PM

Address Information

From Address	mimibelser@yahoo.com
From Name	Mimi Belser
To Address	hrconnect-cases@hr.kp.org
CC Address	
Headers	Click here to view original email headers
Related To	41036891
Is Incoming	

Message Content

Subject	Re: Request for Addl Info Exemption-COVID-19 Vaccination Req.-Religion r
HTML Body	Click here to view HTML version
Text Body	Caution: This email came from outside Kaiser Permanente. Do not open att

"If you have additional information you would like to submit in support of you

Dear Human Resources,

First, I want to thank you for accommodating my religious exemption. And, k
accommodating my religious exemption)

Next, I'm compelled to share the following feedback....I do know inclusivity i

Finally, regarding your specific questions, I am unclear of the legal relevance

I trust this matter will be fully resolved upon receipt of this email.

Thank you again,

Mimi A Weiss

ADDITIONAL QUESTIONS REGARDING YOUR REQUEST FOR RELIGIO

Question:

Caution: This email came from outside Kaiser Permanente. Do not open attachments or click on links if you do not recognize the sender.

“If you have additional information you would like to submit in support of your request for exemption, please provide it here:”

Dear Human Resources,

First, I want to thank you for accommodating my religious exemption. And, kindly I would like to reiterate, as a Christian Jew my body is a sovereign gift from God, and I am commanded by God in both the Torah and New Testament not to interfere with God's perfection. *(Additional information for accommodating my religious exemption)*

Next, I'm compelled to share the following feedback....I do know inclusivity is foundational to Kaiser Permanente as messaged in our annual compliance trainings. I am saddened to note, the line of questioning in your email appears to be incongruent KP's commitment to inclusivity.

Finally, regarding your specific questions, I am unclear of the legal relevance (Title VII) to my already approved religious exemption. However, in my desire to be considerate of your request I did provide brief answers, see below. *(Additional information for accommodating my religious exemption)*

I trust this matter will be fully resolved upon receipt of this email.

Thank you again,

Mimi A Weiss

ADDITIONAL QUESTIONS REGARDING YOUR REQUEST FOR RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION (Maximum of Nine)

Question:

What else besides the COVID-19 vaccine do you refuse to put in your body as a result of your religious belief?

Answer:

Any chemicals/substances that would be unclean as guidance from my Creator.

Question:

Have you put this belief into practice in any other areas of your life?

Answer:

Yes, my religious beliefs inform all meaning and purpose in my life.

Question:

Do you currently take or have you ever taken medications of any kind (over the counter or prescription) as an adult?

Answer:

My medical information and history is protected, and private, therefore I will not answer questions about medicines that I may or may not have taken.

Question:

Note: We are not asking you tell us what medications you take or why you take them - please do not share that information with us. If you answered yes:

Answer:

Question:

"When is the last time you took such medicine? Is the COVID-19 vaccine different from these medicines? If so, how?"

Answer:

Once again, my medical information and history is protected, and private, therefore I will not answer questions about medicines I may or may not have taken. To draw any comparisons as asked above is not applicable.

Question:

Why does your religious belief prevent you from receiving the COVID-19 vaccination but not from taking other medications?

Answer:

I am not understanding the relevance of this question related to my sincerely held religious beliefs and accommodating my religious exemption. As previously stated, my religious beliefs do not allow me to alter the perfection of my God-given immune system.

Question:

Please resubmit your request for accommodation in your own words without using template or stock language from the internet or other sources.

Answer:

Question:

Answer:

Question:

Answer:

If you have additional information you would like to submit in support of your request for exemption, please provide it here:

On Oct 21, 2021, at 6:52 PM, hrconnect-cases@hr.kp.org wrote:

HRconnect

Dear Mimi April-Cyd Weiss:

After careful review of your request for an exemption under the COVID-19 Vaccination Policy, undertaken to ensure ongoing compliance with our responsibilities under public health requirements and KP policy, it has been determined that additional information is needed from you to further evaluate whether you have a sincerely held religious belief, practice, or observance that prevents you from receiving any COVID-19 vaccine. CASE NUMBER: 41036891

Additional Information Needed Within Five Calendar Days: To help us better understand the basis for your request for a religious exemption, please answer the questions below **within five calendar days** by replying to this email, and adding your responses immediately following each question. Please make sure your responses are in your own words and do not contain language from a template or form response you have obtained from someone else or an online source. If you quote from scripture or another resource, you must also explain in your own words what that resource means, and how you believe the resource prevents you from being vaccinated.

Consequences of Not Providing Complete and Timely Information: If you do not provide complete information **within five calendar days from the date of this notice:**

- a decision will be made regarding your exemption request based on the information we have obtained to date; and
- you may receive a Notice of Denial.

Consequences of Not Receiving An Approved Exemption: If you receive a Notice of Denial, you will be required to submit proof in HRconnect that you completed a COVID-19 vaccine series:

- **immediately** to avoid being on an **unpaid leave of absence**; and
- **on or before November 30** to avoid having your **employment terminated effective December 1.**

NOTE: Employees may continue to work and will not be placed on leave of absence if they HAVE COMPLETED their vaccine series by September 30, 2021 (i.e., one dose of J&J; second dose of either Moderna or Pfizer), **except** where full vaccination is required by law or public health order. Where full vaccination* is required, employees without approved

exemptions must remain off work until they have completed a COVID-19 vaccine series **and** the 14-day waiting period.

Please be assured that we respect our employees who hold sincerely held religious beliefs and are committed to thoroughly and thoughtfully reviewing all requests for religious exemption from our COVID-19 Vaccination for KP Workforce Members Policy (NATL.HR.057). Throughout this evaluation process, it is critical that we continue to keep the safety of our staff, patients, and the communities that we serve at the center of all that we do. It is also critical that our employees always uphold KP's ethical standards as outlined in our Principles of Responsibility, including throughout this religious exemption process. We appreciate all that you do to demonstrate your commitment to these important ideals.

Unless required otherwise by state or local orders, until you are fully vaccinated, you must comply with the safety rules specified for those unvaccinated or not fully vaccinated individuals reporting to work at any Kaiser Permanente facility or caring for patients in person at a non-KP Facility. These rules may require masking, social distancing, additional education on COVID-19 vaccines and safety training, and routine proof of negative COVID-19 test results. Also, there will be a need to assess whether your vaccination status limits your ability to perform your job functions in a manner that is both safe and complies with legal or public health mandates and KP policies, and if so, what the appropriate next steps are to address any such limitations. See your manager for the specific safety rules that apply to you, and to discuss any limitations your vaccination status places on your ability to continue working and safely perform your job functions.

To schedule a vaccine appointment, please visit kp.org.

For information on the safety and effectiveness of the COVID 19 vaccine go to kp.org/covidvaccine.

If you have any questions or concerns regarding the above, please respond to this email.

ADDITIONAL QUESTIONS REGARDING YOUR REQUEST FOR RELIGIOUS EXEMPTION FROM COVID-19 VACCINATION (Maximum of Nine)

Question: What else besides the COVID-19 vaccine do you refuse to put in your body as a result of your religious belief?

Answer:

Question: Have you put this belief into practice in any other areas of your life?

Answer:

Question: Do you currently take or have you ever taken medications of any kind (over the counter or prescription) as an adult?

Answer:

Question: Note: We are not asking you tell us what medications you take or why you take them - please do not share that information with us. If you answered yes:

Answer:

Question: "When is the last time you took such medicine? - Is the COVID-19 vaccine different from these medicines? If so, how?"

Answer:

Question: Why does your religious belief prevent you from receiving the COVID-19 vaccination but not from taking other medications?

Answer:

Question: Please resubmit your request for accommodation in your own words without using template or stock language from the internet or other sources.

Answer:

Question:

Answer:

Question:

Answer:

If you have additional information you would like to submit in support of your request for exemption, please provide it here:

*"Fully vaccinated" means fully vaccinated against the virus that causes COVID-19 as defined by the CDC. As of the date of this form, this means receipt of the second dose in a 2-dose series (e.g., Pfizer and Moderna vaccines) OR receipt of a single-dose vaccine (e.g., Johnson & Johnson's Janssen vaccine) AND a 2 week period having passed since the administration of the last vaccine dose. (This definition may change to include the requirement for vaccine booster shots in the future.)

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EXHIBIT F



Q Mimi weiss

Home	Mimi weiss	Mimi April-Cyd W...	+
Details	Mimi April-Cyd W...	41036891	Outbound Email ... +

Outbound Email Message

Attch

Email Message Detail

Reply Reply To All Forward Delete

Information

Parent Case	41036891
Message Date	11/30/2021 11:04 AM
Created By	

Address Information

From Address	hrconnect-cases@hr.kp.org
From Name	hrconnect-cases@hr.kp.org
To Address	mimi.a.weiss@kp.org
CC Address	mimibelser@yahoo.com; kim.z.smith@kp.org
BCC Address	
Headers	
Related To	41036891
Is Incoming	<input type="checkbox"/>

Message Content

Subject	Denial of Exemption from COVID-19 Vaccination Requirement - Religion
HTML Body	Click here to view HTML version
Text Body	<p>Dear Mimi April-Cyd Weiss:</p> <p>After thoroughly evaluating your request for a religion-based exemption from the COVID-19 standards necessary for granting an exemption from obtaining any COVID-19 vaccine. Th</p> <p>If your request for an exemption under the COVID-19 Vaccine Policy was previously appr</p> <p>to change. A further review of your exemption request occurred and resulted in this denial.</p>

HRconnect

Dear Mimi April-Cyd Weiss:

After thoroughly evaluating your request for a religion-based exemption from the COVID-19 vaccination requirement of the Kaiser Permanente COVID-19 Vaccination Policy, it has been determined that your request does not meet the standards necessary for granting an exemption from obtaining any COVID-19 vaccine. Therefore, your request has been DENIED. CASE NUMBER: 41036891

If your request for an exemption under the COVID-19 Vaccine Policy was previously approved on a provisional basis, you were notified that the decision to approve your exemption, and action taken to accommodate the exemption, are subject to change. A further review of your exemption request occurred and resulted in this denial.

As a result,

- **You are required to comply with the Kaiser Permanente COVID-19 Vaccine Policy by submitting proof of completed COVID-19 vaccination** (i.e., both doses of a 2-dose vaccine such as Pfizer or Moderna OR a single-dose vaccine such as Johnson & Johnson's Janssen vaccine) **or obtaining an approved exemption.**
- **If you were previously approved for a religious exemption, your exemption will expire in five (5) calendar days. If you are currently working you may continue to do so for the next five (5) calendar days.**
 - If you submit verified proof of completed vaccination before your exemption expires you may work unless you work in a location where full vaccination (i.e., 14 days after completed vaccination) is required by law or public health order.
 - Where full vaccination is required, employees without approved exemptions will be placed on unpaid administrative leave after their exemptions expire and are not permitted to work for or at Kaiser Permanente until they submit verified proof of completed COVID-19 vaccination and complete the 14-day waiting period.
- **If you are currently off work for any reason, you will not be permitted to return to work until you meet the vaccination requirements.**

Where individuals are permitted to perform services immediately after submitting verified proof of completed vaccination, they must engage in

any testing required for workers who are not fully vaccinated during the 14-day waiting period.

Failure to meet the requirements of the Kaiser Permanente COVID-19 Vaccination Policy by January 7, 2022, will result in the termination of your employment on or after January 10, 2022.

To ensure that your employment is not disrupted, do not wait to comply with the Vaccination Policy. As soon as possible, go to [HRconnect.kp.org](https://hrconnect.kp.org) to upload your proof of vaccination

To schedule a vaccine appointment, please visit kp.org.

For information on the safety and effectiveness of the COVID 19 vaccine go to kp.org/covidvaccine.

Accessing HRconnect away from Kaiser Permanente

You will need PingID to sign-in. If you do not have PingID currently installed, use the instructions below to download the application on your device of choice.

You may be asked to reset your password due changes to KP's minimum password requirements from a minimum of 8 characters to 12 characters.

Steps for Downloading PingID:

1. Sign in to HRconnect at [HRconnect.kp.org](https://hrconnect.kp.org) and type in your NUID and password.
2. Click the PingID setup link to begin the registration process.
3. When the log-in screen appears, enter your NUID and password
4. When the ID verification screen appears. Follow instructions to complete your information.
5. Confirm information and submit for ID check
6. After successful verification, a PingID set up screen will open. Follow the steps to install PingID and complete the sign-in process

Also, you may come to a KP facility and use a KP computer to access HRconnect.

For more information

General inquiries on the COVID-19 vaccine verification and testing process may be directed to the National HR Service Center at 1-877-457-4772. Follow the prompts for the COVID-19 Vaccine Verification support queue.

If you have any questions or concerns regarding the impact this decision has on your employment, please consult your manager.